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UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 IN THE MATTER OF THE SEARCH OF:
12 5241 LINCOLN AVENUE, #B3,
13 CYPRESS, CALIFORNIA 90630

No. 8:18-MJ-00555

GOVERNMENT'S *EX PARTE* APPLICATION
FOR FIRST EXTENSION OF TIME WITHIN
WHICH TO RETAIN AND SEARCH DIGITAL
DEVICES; DECLARATION OF JAKE D.
NARE

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17 The United States of America, by and through its counsel of
18 record, Assistant United States Attorney Jake D. Nare, hereby applies
19 for an order extending by 120 days the time within which the
20 government may retain and search digital devices seized pursuant to a
21 federal search warrant.

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DECLARATION OF JAKE D. NARE

I, Jake D. Nare, hereby declare and state:

1. I am an Assistant United States Attorney assigned to this investigation for United States Attorney's Office for the Central District of California.

2. This declaration is made in support of a request for an order permitting the government to retain and search, pursuant to the terms of the original warrant in this matter, for an additional 120 days, the following digital devices seized pursuant to the warrant described below (the "SUBJECT DIGITAL DEVICES"):

- a. Dell Laptop Service Tag #4S5YFC2
- b. HP Laptop with serial number CND7050WDY
- c. Nextbook Laptop with serial number YFAN0915082693
- d. Nextbook Laptop with serial number YFGV0415051227
- e. Samsung Laptop with serial number HNHK91EC200704P
- f. HP Laptop with serial number CND812V9R
- g. Lenovo ThinkPad Laptop with serial number LR-0514UL
- h. Lenovo Laptop with serial number MP13ESPF
- i. Black tower Desktop PC with no serial number
- j. Dell Desktop computer with serial number 4K8XFN1
- k. HP Laptop with serial number CND7501138
- l. LG Smartphone with serial number 211KPDT0861658
- m. LG Smartphone with serial number 910KPZK0126101
- n. CoolPad Smartphone with serial number B12ECA45
- o. Samsung Smartphone with serial number R28J62N0GLT
- p. LG Smartphone with serial number 708CYVU435615
- q. ZTE Smartphone with serial number 320675220142
- r. LG Smartphone with serial number 708CYBD435613

1 s. Coolpad Smartphone with serial number C343CE0A

2 t. Coolpad Smartphone with serial number EF08F291

3 3. On October 29, 2018, SA David Aspling of the Food and Drug
4 Administration Office of Criminal Investigations ("FDA OIC") obtained
5 a federal search warrant issued by the Honorable Douglas F.
6 McCormick, United States Magistrate Judge, authorizing the search of
7 5241 Lincoln Avenue, #B3, Cypress, California 90630 (the "SUBJECT
8 PREMISES"). The warrant, which is incorporated herein by reference,
9 authorized the seizure of digital devices from the SUBJECT PREMISES
10 for a period of 120 days from the date of the execution of the
11 warrant, to allow the government to search such devices for evidence
12 of violations of 21 U.S.C. § 331(a) (Introduction or Delivery for
13 Introduction of a Misbranded Drug into Interstate Commerce); 21
14 U.S.C. § 331(d) (Introduction or Delivery for Introduction of an
15 Unapproved New Drug into Interstate Commerce); 18 U.S.C. § 542 (Entry
16 of Goods By False Statements); 18 U.S.C. § 545 (Smuggling Goods into
17 the United States); 18 U.S.C. § 1001 (False Statements); and 18
18 U.S.C. § 371 (Conspiracy).

19 4. On October 31, 2018, federal agents executed the warrant
20 and seized the SUBJECT DIGITAL DEVICES.

21 5. This is the first request for an extension. The current
22 deadline by which the government must complete its review of the
23 SUBJECT DIGITAL DEVICES is February 28, 2019.

24 6. Based on information provided to me by agents assigned to
25 this matter, I understand that the SUBJECT DIGITAL DEVICES have been
26 imaged and turned over to an FDA OCI digital forensic examiner for
27 examination.
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1 7. For the following reasons, the government is requesting an
2 additional 120 days to complete its review of the SUBJECT DIGITAL
3 DEVICES:

4 a. The forensic review of digital devices is time
5 consuming. Agents cannot simply turn on computers and review their
6 contents because merely turning on a computer and reviewing its
7 contents changes the data on the computer. Specialized computer
8 software is therefore needed to ensure that evidence remains in a
9 pristine and usable condition, and is not affected by the review
10 process. The review also must be conducted by agents who have
11 received specialized training to ensure that the review is done
12 thoroughly and in a forensically sound fashion. This process takes
13 substantial time.

14 b. The SUBJECT DIGITAL DEVICES contain over 8000
15 gigabytes of information. Based on my training and experience, I
16 know that one gigabyte could hold the contents of about ten yards of
17 books on a shelf. One hundred gigabytes could hold an entire library
18 floor of academic journals.

19 c. FDA OCI has a limited number of forensic digital
20 forensic examiners, which has created a backlog of other devices to
21 review. This backlog was furthered by the recent government
22 shutdown.

23 I declare under penalty of perjury under the laws of the United
24 States of America that the foregoing is true and correct.

25 DATED: February 28, 2019

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JAKE D. NARE